## **BEST AVAILABLE COPY**

SKOLT.005RA **PATENT** 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

cation:10/621,105

Confirmation Number 9080

**Applicant** : Lin

: 10 July 2003

Art Unit

Filed

: 3739

Examiner : Unknown

Customer : 20,995

## PETITION TO ACCEPT AN UNEXECUTED DECLARATION **UNDER 37 C.F.R. § 1.47(b)**

Commissioner for Patents Post Office Box 1450 Alexandria, Virginia 22313-1450

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. § 1.47(b) to accept the enclosed Declaration by Inventors for the above-captioned U.S. patent application. Applicant submits with this petition the following:

- 1. An Declaration by Inventor executed by a corporate officer of the assignee on behalf of and as agent for the non-signing inventor.
- 2. A Copy of Assignment from non-signing inventor Jui-Teng Lin to Applicant.
- 3. A Declaration by Colette Cozean Regarding Non-Signing Inventor Jui-Teng Lin, with exhibits.
- 4. A Declaration by Timothy Shea Regarding Non-Signing Inventor Jui-Teng Lin, with exhibits.

12/01/2005 CNGUYEN2 00000044 111410 10621105

03 FC:1463

200.00 OP

The non-signing inventor, Jui-Teng Lin, has assigned his entire right in the above-captioned application to SurgiLight, Inc., as evidenced by the attached Copy of Assignment. Therefore, in view of the foregoing, and to preserve Applicant's rights in the above-captioned application, Applicant respectfully requests permission to prosecute the above-captioned application on behalf of the non-signing inventor. The above Declarations provide proof that the non-signing inventor refuses the execute the application papers. The last known address of the non-signing inventor is:

Jui-Teng Lin, Ph.D. Coleman Low FCI 846 NE 54th Terrace Post Office Box 1029 Coleman, Florida 33521

The appropriate fees are enclosed herewith. However, the Commissioner is authorized to charge any additional fees, or to credit any overpayment, to Deposit Account 11-1410.

This petition is submitted in duplicate.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 29 nov 05 By: Park Schlueter

Kyle F. Schlueter Registration No. 54,912 Attorney of Record Customer No. 20,995

(310) 551-3450

2079938 112105 PSRGLT.005RA PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

on: 10/621,105

**Confirmation Number 9080** 

**Applicant** 

: Lin

Filed

: 10 July 2003

Art Unit

: 3739

Examiner

: Unknown

Customer : 20,995

### **DECLARATION BY COLETTE COZEAN UNDER 37 C.F.R. § 1.47(b) REGARDING NON-SIGNING INVENTOR JUI-TENG LIN**

Commissioner for Patents Post Office Box 1450 Alexandria, Virginia 22313-1450

#### Sir:

- I, Colette Cozean, declare the following:
- 1. I am the Chief Executive Officer of SurgiLight, Inc. ("SurgiLight").
- 2. I am informed and believe that Dr. Jui-Teng Lin ("Lin") is the sole inventor of the invention claimed in U.S. Patent Application 10/621,105 ("the '105 Application"), which is a reissue application from U.S. Patent 6,258,082.
- 3. I am informed and believe that Lin assigned all rights in U.S. Patent 6,258,082, including rights to all reissues thereof, to SurgiLight by virtue of an Assignment executed on 2 August 2001. A copy of this Assignment is attached hereto as Exhibit A, and is incorporated by reference herein.
- 4. I am informed and believe that Lin was a principal employee of SurgiLight at the time of the activities leading up to the invention of the subject matter claimed in the '105 Application.

- 5. I am informed and believe that Lin participated in developing apparatuses and techniques to treat presbyopia via laser ablation on behalf of SurgiLight during his employment at SurgiLight.
- 6. On or about 11 August 2005, I instructed Timothy Shea ("Shea"), President and Chief Operating Officier of SurgiLight, to send Lin a copy of the '105 Application, a Declaration by Inventors for the '105 Application, and a request that Dr. Lin review the '105 Application and execute the Declaration by Inventors. I instructed Shea to send any correspondence associated with this request under my signature.
- 7. I am informed and believe that Shea was unable to procure Lin's signature on the Declaration by Inventors for the '105 Application.
- 8. All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. I am signing this Declaration with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '486 Application or any patent issuing therefrom.

	4/-/-	By: Colette Coran
Dated:	11/21/05	Colette Cozean

# **EXHIBIT A**

2080009 112105

COPY

### PATENT ASSIGNMENT

WHEREAS, U. I. LIN	, an individual, having a place of
residence address at 4532 old Caning Trail	("Assignor"), is
residence address at 4532 old Canier Trail  Overeit, FL 32765  the owner of all rights in certain United States patent(s) and appropriate the contract of the	plication(s) which are described in
detail in Schedules A and B incorporated in this Assignment and	certain foreign patents and foreign
patent applications which are described in detail in Schedules C a	nd D in this Assignment; and
WHEREAS, Surgitight To C	B Delatate Comparation
having a place of business at 1200/ Science Dr.	rute 140, Orlando, FC
("Assignee"), is desirous of obtaining the entire right, title, and int	
patent(s) and application(s):	

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor has sold, assigned, transferred, and set over, and by these presents does hereby sell, assign, transfer, and set over unto Assignee, all of the patent(s) and application(s) described in the aforesaid schedules, for its own use and benefit, and for the use and benefit of its successors, legal representatives, and assigns, including:

1. the entire right, title, and interest in and to the United States patent(s) and application(s) as listed in Schedules A and B annexed hereto and made a part hereof, including all divisionals, continuations and continuations-in-part thereof, all patent applications claiming priority therefrom, and all patents which may be granted thereon, all rights of priority therein, all reissues and re-examinations and extensions thereof, and in and to the inventions disclosed therein;

- application(s) as listed in Schedules C and D annexed hereto and made a part hereof, including all divisionals, continuations and continuations-in-part thereof, and all patents of any country which may be granted thereon and reissues, renewals and extensions thereof, all rights of priority therein, and all applications for industrial property protection, which may hereafter be filed that correspond to the existing patents or applications in Schedules A, B, C or D, including without limitation, all applications for patents, utility models, and designs; together with the right to file such applications and the right to claim priority from prior applications under the patent laws of the United States or other countries under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including without limitation, patents, applications, utility models, inventors' certificates, and designs which may be granted for said patents, and all extensions, renewals and reissues thereof; and
- 3. the entire right, title and interest in all claims for damages and all remedies arising out of any violation or infringement of any issued patent identified on Schedule A or Schedule C hereto or of any patent granted in connection with the application listed on Schedule B or Schedule D, that may have occurred before the date hereof,

AND ASSIGNOR HEREBY authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on application as aforesaid, to issue the same to Assignee in accordance with the terms of this instrument;

) COPY

AND ASSIGNOR HEREBY further covenants and agrees that he will do everything reasonably possible to aid Assignee, its successors, legal representatives, and assigns to obtain patents and other industrial property protection for said inventions in all countries at Assignee's sole expense;

AND ASSIGNOR FURTHER WARRANTS THAT: he is the true and lawful owner of all properties listed on Schedules A through D, and that he will execute further assignments for recordation of the conveyances recited herein as appropriate under the laws of the applicable country.

On Duglet Job , before me, Marsic Severage personally appeared J. T. July personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ics), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Margie Pevahosas My Commission CC791812 Expires May 11, 2002 Marker Contract

MAY/II, 2002

WHN-JT.doc:cb 073001



### SCHEDULE A (Inventor: J.T. Lin) **United States Patents**

Patent No. Issue Date Title 6,258,082 7/10/2001 Methods and Apparatus For Presbyopia Correction Using Ultraviolet and Infrared Lasers 6,263,879 7/24/2001 Methods and Apparatus For Presbyopia Treatment and other Eye Disorders Using A Scanning Laser System

### SCHEDULE B United States Patents Applications

Application No. Filing Date Title 09/794,476\* 2/28/2001 Methods and Apparatus For Presbyopia Treatment Using A Scanning Laser System • note: CIP of Pat. 6,263,879 09/820,832\* 3/30/2001 Methods and Apparatus For Presbyopia Correction Using Ultraviolet and Infrared Lasers \* note: CIP of Pat. 6,258,082 09/706,382 11/06/2000 Apparatus and Methods for The Treatment of

### SCHEDULE C Foreign Patents (NONE)

#### SCHEDULE D Foreign Patents Applications

Application No. Filing Date

PCT of Pat 6,263,879 02/7/01 Treatment of Presbyopia and other Eye Disorders Using

∧ Dual-laser Scanning System

Title

Presbyopia Using Fiber-Coupled Lasers

08/06/01 - .. file - lace





### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/621,105

Confirmation Number 9080

Applicant : Lin

Filed

: 10 July 2003

Art Unit

: 3739

Examiner: Unknown

**Customer** : 20,995

### DECLARATION BY COLETTE COZEAN UNDER 37 C.F.R. § 1.47(b) REGARDING NON-SIGNING INVENTOR JUI-TENG LIN

**Commissioner for Patents** Post Office Box 1450 Alexandria, Virginia 22313-1450

#### Sir:

- I, Colette Cozean, declare the following:
- 1. I am the Chief Executive Officer of SurgiLight, Inc. ("SurgiLight").
- 2. I am informed and believe that Dr. Jui-Teng Lin ("Lin") is the sole inventor of the invention claimed in U.S. Patent Application 10/621,105 ("the '105 Application"), which is a reissue application from U.S. Patent 6,258,082.
- 3. I am informed and believe that Lin assigned all rights in U.S. Patent 6,258,082, including rights to all reissues thereof, to SurgiLight by virtue of an Assignment executed on 2 August 2001. A copy of this Assignment is attached hereto as Exhibit A, and is incorporated by reference herein.
- 4. I am informed and believe that Lin was a principal employee of SurgiLight at the time of the activities leading up to the invention of the subject matter claimed in the '105 Application.

- 5. I am informed and believe that Lin participated in developing apparatuses and techniques to treat presbyopia via laser ablation on behalf of SurgiLight during his employment at SurgiLight.
- 6. On or about 11 August 2005, I instructed Timothy Shea ("Shea"), President and Chief Operating Officier of SurgiLight, to send Lin a copy of the '105 Application, a Declaration by Inventors for the '105 Application, and a request that Dr. Lin review the '105 Application and execute the Declaration by Inventors. I instructed Shea to send any correspondence associated with this request under my signature.
- I am informed and believe that Shea was unable to procure Lin's signature on the Declaration by Inventors for the '105 Application.
- 8. All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. I am signing this Declaration with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '486 Application or any patent issuing therefrom.

Dated: 11/21/05	By: Olette Cozean
-----------------	-------------------

# **EXHIBIT A**

2080009 112105

COPY

### PATENT ASSIGNMENT

WHEREAS, J.T.LIN	, an individual, having a place of
residence address at 4532 old Caning Trail	
the owner of all rights in certain United States patent(s) and app	lication(s) which are described in
detail in Schedules A and B incorporated in this Assignment and	certain foreign patents and foreign
patent applications which are described in detail in Schedules C an	nd D in this Assignment; and
WHEREAS, Surgitight, Inc.	a Delaware corporation,
having a place of business at 1200/ Science Dr.	wite 140, Orlando, FC
("Assignee"), is desirous of obtaining the entire right, title, and into	FLEX Exercises in, to and under the aforesaid
patent(s) and application(s);	•

NOW. THEREFORE, in consideration of the sum of One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor has sold, assigned, transferred, and set over, and by these presents does hereby sell, assign, transfer, and set over unto Assignee, all of the patent(s) and application(s) described in the aforesaid schedules, for its own use and benefit, and for the use and benefit of its successors, legal representatives, and assigns, including:

1. the entire right, title, and interest in and to the United States patent(a) and application(a) as listed in Schedules A and B annexed hereto and made a part hereof, including all divisionals, continuations and continuations-in-part thereof, all patent applications claiming priority therefrom, and all patents which may be granted thereon, all rights of priority therein, all reissues and re-examinations and extensions thereof, and in and to the inventions disclosed therein;

- $\bigcirc$
- application(s) as listed in Schedules C and D annexed hereto and made a part hereof, including all divisionals, continuations and continuations-in-part thereof, and all patents of any country which may be granted thereon and reissues, renewals and extensions thereof, all rights of priority therein, and all applications for industrial property protection, which may hereafter be filed that correspond to the existing patents or applications in Schedules A, B, C or D, including without limitation, all applications for patents, utility models, and designs; together with the right to file such applications and the right to claim priority from prior applications under the patent laws of the United States or other countries under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including without limitation, patents, applications, utility models, inventors' certificates, and designs which may be granted for said patents, and all extensions, renewals and reissues thereof; and
- 3. the entire right, title and interest in all claims for damages and all remedies arising out of any violation or infringement of any issued patent identified on Schedule A or Schedule C hereto or of any patent granted in connection with the application listed on Schedule B or Schedule D, that may have occurred before the date hereof,

AND ASSIGNOR HEREBY authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on application as aforesaid, to issue the same to Assignee in accordance with the terms of this instrument;

8.5.

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 $\bigcirc$ 

COPY

AND ASSIGNOR HEREBY further covenants and agrees that he will do everything reasonably possible to aid Assignee, its successors, legal representatives, and assigns to obtain patents and other industrial property protection for said inventions in all countries at Assignee's sole expense;

AND ASSIGNOR FURTHER WARRANTS THAT: he is the true and lawful owner of all properties listed on Schedules A through D, and that he will execute further assignments for recordation of the conveyances recited herein as appropriate under the laws of the applicable country.

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	IN WITNESS	WHEREOF,	Assignor h	аз ехеси	ted th	is Assignment	thisQua	day of
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(or pro	eved to me on	the basis of sa	tisfactory (	vidence)	to be	the person(s)	nally know whose na	vn to me une(s) is

subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ics), and that by his signature(s) on the instrument the person(s), or the entity

upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.
[SEAL]

Margie Pereticane

Marchin Prestruce

MBY//, Dao 2. Expiration Date

WHN-IT docid 073001

-3





## SCHEDUI: B A (Inventor: J.T. Lin) United States Patents

Patent No. Issue Date

7/10/2001 Methods and Apparatus For Presbyopia Correction Using Ultraviolet and Infrared Lasers

6,263,879

7/24/2001 Methods and Apparatus For Presbyopia Treatment and other Eye Disorders Using A Scanning Laser System

## SCHEDULE B United States Patents Applications

Application No. Filing Date Titl

09/794,476° 2/28/2001 Methods and Apparatus For Presbyopia
Treatment Using A Scanning Laser System

\* note: CIP of Pat. 6,263,879

09/820,832\* 3/30/2001 Methods and Apparatus For Presbyopia

Correction Using Ultraviolet and Infrared Lasers

\* note: CIP of Pat. 6,258,082

09/706,382 11/06/2000 Apparatus and Methods for

Apparatus and Methods for The Treatment of Presbyopia Using Fiber-Coupled Lasers

## SCHEDULE C Foreign Patents (NONE)

## SCHEDULE D Foreign Patents Applications

Application No. Filing Date

PCT of Pat 6,263,879 02/7/01 Treatment of Presbyopia and other Eye Disorders Using

↑ A Dual-laser Scanning System

Title

AT of Pat 6,258,082 08/06/01 - flee- lace

09/706,382

\_ /. \_

8001

RELIX 005RA PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ion: 10/621,105

**Confirmation Number 9080** 

**Applicant** 

: Lin

Filed

: 10 July 2003

Art Unit

: 3739

Examiner

: Unknown

Customer : 20,995

### **DECLARATION BY TIMOTHY SHEA UNDER 37 C.F.R. § 1.47(b)** REGARDING NON-SIGNING INVENTOR JUI-TENG LIN

**Commissioner for Patents** Post Office Box 1450 Alexandria, Virginia 22313-1450

#### Sir:

- I, Timothy Shea, declare the following:
- 1. I am the President and Chief Operating Officer of SurgiLight, Inc. ("SurgiLight").
- 2. On or about 11 August 2005, Colette Cozean ("Cozean"), Chief Executive Officer for SurgiLight, instructed me to procure the signature of Dr. Jui-Teng Lin ("Lin") on a Reissue Declaration for U.S. Patent Application 10/621,105 ("the '105 Application"). Cozean asked me to send any correspondence associated with these instructions under Cozean's signature.
- 3. At the time I received Cozean's instructions as set forth in Paragraph 2 of this Declaration, I understood that (a) Lin was incarcerated at the Coleman Low Security Federal Correctional Institution, and (b) Lin's current mailing address was:

Jui-Teng Lin, Ph.D.
Coleman Low FCI
846 NE 54th Terrace
Post Office Box 1029
Coleman, Florida 33521

- 4. On or about 23 August 2005, I sent Lin, via the United States Postal Service, Certified Mail Return Receipt Requested, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. I did not include a pre-stamped return envelope because my understanding is that prison policy prohibits delivery pre-stamped envelopes to inmates. I sent these materials to the address set forth in Paragraph 3 of this Declaration. A copy of the Reissue Declaration sent to Lin is attached hereto as Exhibit A, and is incorporated by reference herein. A copy of the note sent to Lin is attached hereto as Exhibit B, and is incorporated by reference herein. A copy of the Certified Mail Receipt for this mailing is attached hereto as Exhibit C, and is incorporated by reference herein.
- 5. I am informed and believe that Lin is married to Yuchin Lin, whose last known address to me is:

Yuchin Lin 4532 Old Carriage Trail Oviedo, Florida 32765

- 6. On or about 23 August 2005, I sent Yuchin Lin, via the United States Postal Service, Certified Mail Return Receipt Requested, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Yuchin Lin with a copy of the note provided in Exhibit B. I sent these materials to the address set forth in Paragraph 5 of this Declaration. A copy of the Certified Mail Receipt for this mailing is attached hereto as Exhibit D.
- 7. I received a signed delivery receipt indicating that the mailing set forth in Paragraph 4 of this Declaration was received at the Coleman Low Security Federal Correctional Institution on 25 August 2005. The mailing set forth in Paragraph 4 of this Declaration was returned to me by a prison official with a

label indicating that the correct correspondence address for Lin was a different Post Office Box than that listed in Paragraph 3 of this Declaration. Copies of the signed delivery receipt and the returned envelope are attached hereto as Exhibit E, and are incorporated by reference herein.

- 8. The mailing set forth in Paragraph 6 of this Declaration was returned to me as "Unclaimed". A copy of the returned envelope is attached hereto as Exhibit F, and is incorporated by reference herein.
- 9. On or about 8 November 2005, I sent Lin, via the United States Postal Service Express Mail Service Label EQ324119935US, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. I sent these materials to the address set forth in Paragraph 3 of this Declaration. A copy of the note sent to Lin is attached hereto as Exhibit G, and is incorporated by reference herein. A copy of the Express Mail receipt for Label EQ324119935US is attached hereto as Exhibit H, and is incorporated by reference herein. A copy of an email confirming that Express Mail Label EQ324119935US was delivered on 10 November 2005 at 10:42 am is attached hereto as Exhibit I, and is incorporated by reference herein.
- 10. On or about 9 November 2005, I sent Lin, via the United States Postal Service Express Mail Service Label EQ324119952US, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. The note also asked Lin to note any corrections to his address on the Reissue Declaration using initialed and dated handwritten notes. I sent these materials to the following address, which was indicated on the returned envelope referred to in Paragraph 7 of this Declaration and a copy of which is provided in Exhibit E of this Declaration:

Jui-Teng Lin, Ph.D.
Coleman Low FCI
846 NE 54th Terrace
Post Office Box 1031
Coleman, Florida 33521

I included Lin's inmate identification number (67773-053) on the mailing. A copy of the note sent to Lin is attached hereto as Exhibit J, and is incorporated by reference herein. A copy of the Express Mail receipt for Label EQ324119952US is attached hereto as Exhibit K, and is incorporated by reference herein. A copy of an email confirming that Express Mail Label EQ324119952US was delivered on 14 November 2005 at 9:39 am is attached hereto as Exhibit L, and is incorporated by reference herein.

- 11. As of the date of this Declaration, I have not received any papers signed by Lin from either Lin or his wife in response to any of the mailings set forth herein. In particular, I have not received a Reissue Declaration signed by Lin for the '105 Application.
- 12.All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. I am signing this Declaration with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '486 Application or any patent issuing therefrom.

Dated: ///22/05

Timothy Shea

2080429 112105

# **EXHIBIT A**

SRGLT.005RA PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Surgilight, Inc. Group Art Unit 3739

Reissue

Application: 10/621,105

Filed : 10 July 2003

Reissue of

U.S. Patent : 6,258,082

Inventors : J.T. Lin

For : REFRACTIVE SURGERY AND PRESBYOPIA

CORRECTION USING INFRARED AND

**ULTRAVIOLET LASERS** 

Examiner : Unknown

## REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

#### Dear Sir:

I hereby declare the following:

- 1. I am the original and sole inventor of the subject matter which is described and claimed in U.S. Patent 6,258,082, a copy of which is attached to this declaration. I have reviewed and understand the contents of this patent, including the claims.
- 2. I have reviewed and understand the contents of the Preliminary Amendment filed on 10 July 2003, a copy of which is attached to this declaration. I am the original and sole inventor of the subject matter recited in the amended claims presented in the Preliminary Amendment, including new Claims 16 through 18.
- 3. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

**Application 10/621,105 Filed 10 July 2003** 

4. I verily believe the original patent to be wholly or partially inoperative or invalid,

because the patentee mistakenly claimed less than the patentee had the right to claim

in the patent. At least Claim 3, as set forth in the Preliminary Amendment, is broader

than the claims of the original patent in at least some aspects.

5. All errors which are being corrected in this reissue application arose without any

deceptive intention on my part.

6. I hereby declare that all statements made herein of my own knowledge are true and

that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §

1001, and that such willful, false statements may jeopardize the validity of the

application or any patent issued thereon.

Full name of sole inventor: Jui-Teng Lin	
Citizenship: United States of America	
Signature:	
Date:	
Mailing address: Coleman Low FCI, 846 NE 54th Terrace, PO Box 1029, Coleman, FL 33	521
Corporate officer of the Assignee, SurgiLight, Inc.: Colette Cozean	

Signature:

Title:

Date: \_\_\_\_\_

# **EXHIBIT B**



12001 Science Dr., Ste. 140 Orlando, FL 32826 USA

Tel: 407-482-4555 Fax: 407-482-0505 www.surgilight.com

August 11, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

Jui-Teng Lin Coleman Low-FCI 546 NE 54<sup>th</sup> Terrace Coleman, FL 33521

Dear Mr. Lin:

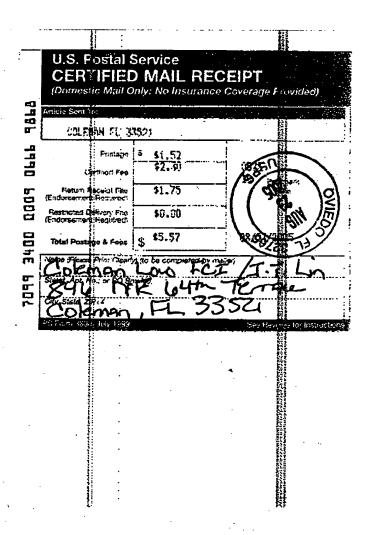
Please sign the enclosed Declaration (for US Patent 6,258,082) where hi-lited and return to:

SurgiLight, Inc. 12001 Science Drive, Ste. 140 Orlando, FL 32826

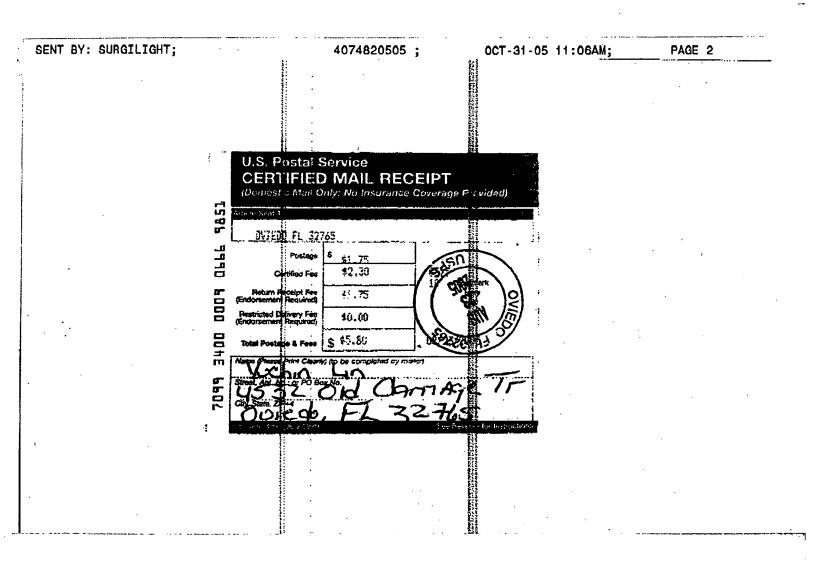
Sincerely,

Colette Cozean, Ph.D. CEO

# **EXHIBIT C**

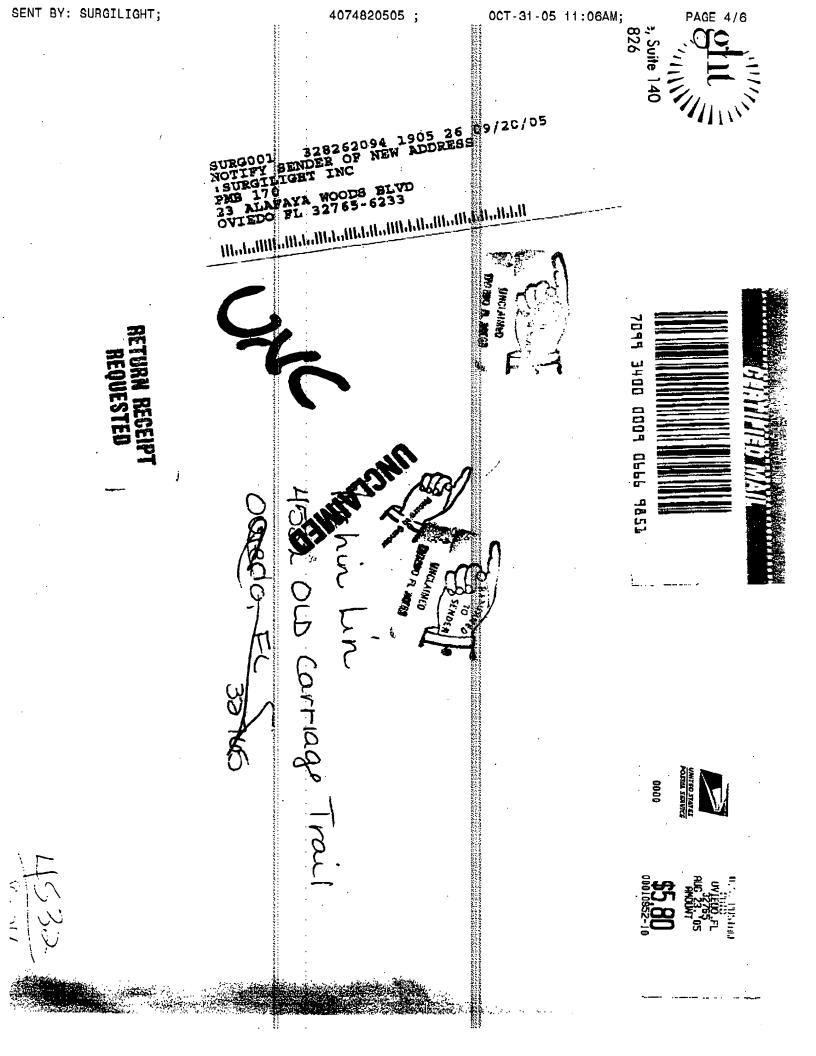


# **EXHIBIT D**



# **EXHIBIT E**

# **EXHIBIT F**



## **EXHIBIT G**



12001 Science Dr., Ste. 140 Tel: 407-482-4555 Orlando, FL 32828 USA

Fax: 407-482-0505

www.surgilight.com

October 31, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

Jui-Teng Lin Coleman Low-FCI 846 NE 54<sup>th</sup> Terrace, PO Box 1029 Coleman, FL 33521

Dear Mr. Lin:

Please sign the enclosed Declaration (for US Patent 6,258,082 Application 10/621,105) where hi-lited and return to:

SurgiLight, Inc. 23 Alafaya Woods Blvd., Box 170 Oviedo, FL 32765

Sincerely,

Colette Coxean, Ph.D. CEO

# **EXHIBIT H**

NOV-9-05 11:34AM;

PAGE 3

# **EXHIBIT I**

#### **Kyle Schlueter**

From:

U.S.\_Postal\_Service\_[U.S.\_Postal\_Service@usps.com]

Sent:

Thursday, November 10, 2005 08 01

To:

surgilightsales@aol.com

Subject:

USPS Shipment Info for EQ32 4119 935U S

This is a post-only message. Please do not respond.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: EQ32 4119 935U S

Service Type: Express Mail - Post Office to Addressee

**Shipment Activity** 

Location

Date & Time

Delivered Notice Left Arrival at Unit Enroute

Acceptance

COLEMAN FL 33521 COLEMAN FL 33521 COLEMAN FL 33521 TAMPA FL 33663 OVIEDO FL 32765

11/10/05 10:42am 11/10/05 7:07am 11/10/05 7:06am 11/09/05 8:09am 11/08/05 3:26pm

Reminder: Track & Confirm by email Date of email request: 11/10/05

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# **EXHIBIT J**



12001 Science Dr., Ste. 140 Tel: 407-482-4555 Ortando, FL 32826 USA

Fax: 407-482-0505

www.surgiäght.com

November 9, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

Jul-Teng Lin, Reg #67773-053 FCI Coleman Low Federal Correctional Institute PØ Box 1031 Celeman, FL 33521

Dear Mr. Lin:

Please sign the enclosed Declaration (for US Patent 6,258,082 Application 10/621,105) where hi-lited. Review your address on the Declaration and note any corrections by hand, and initial and date these corrections. Return the signed Declaration to:

SurgiLight, Inc. 23 Alafaya Woods Blvd., Box 170 Oviedo, FL 32765

Sincerely,

Colitti Cozer p. S. Colette Cozean, Ph.D. CEO

## **EXHIBIT K**



Puchase #2

## **EXHIBIT L**

#### **Kyle Schlueter**

From:

U.S.\_Postal\_Service\_[U.S.\_Postal\_Service@usps.com]

Sent:

Monday, November 14, 2005 06 59

To:

surgilightsales@aol.com

Subject:

USPS Shipment Info for EQ32 4119 952U S

This is a post-only message. Please do not respond.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: EQ32 4119 952U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity

Location

Date & Time

Delivered COLEMAN FL 33521 11/14/05 9:39am
Arrival at Unit COLEMAN FL 33521 11/14/05 7:59am
Enroute TAMPA FL 33663 11/11/05 9:15am
Enroute TAMPA FL 33663 11/10/05 12:32pm
Acceptance OVIEDO FL 32765 11/09/05 4:41pm

Reminder: Track & Confirm by email Date of email request: 11/10/05

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at http://www.usps.com/shipping/trackandconfirm.htm

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PATENT

19005RA

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

eation: 10/621,105

**Confirmation Number 9080** 

**Applicant** : Lin

Filed

: 10 July 2003

Art Unit

: 3739

Examiner: Unknown

Customer : 20,995

#### **DECLARATION BY TIMOTHY SHEA UNDER 37 C.F.R. § 1.47(b)** REGARDING NON-SIGNING INVENTOR JUI-TENG LIN

Commissioner for Patents Post Office Box 1450 Alexandria, Virginia 22313-1450

#### Sir:

- I, Timothy Shea, declare the following:
- 1. I am the President and Chief Operating Officer of SurgiLight, Inc. ("SurgiLight").
- 2. On or about 11 August 2005, Colette Cozean ("Cozean"), Chief Executive Officer for SurgiLight, instructed me to procure the signature of Dr. Jui-Teng Lin ("Lin") on a Reissue Declaration for U.S. Patent Application 10/621,105 ("the '105 Application"). Cozean asked me to send any correspondence associated with these instructions under Cozean's signature.
- 3. At the time I received Cozean's instructions as set forth in Paragraph 2 of this Declaration, I understood that (a) Lin was incarcerated at the Coleman Low Security Federal Correctional Institution, and (b) Lin's current mailing address was:

#### **Application 10/621,105**

Jui-Teng Lin, Ph.D.
Coleman Low FCI
846 NE 54th Terrace
Post Office Box 1029
Coleman, Florida 33521

- 4. On or about 23 August 2005, I sent Lin, via the United States Postal Service, Certified Mail Return Receipt Requested, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. I did not include a pre-stamped return envelope because my understanding is that prison policy prohibits delivery pre-stamped envelopes to inmates. I sent these materials to the address set forth in Paragraph 3 of this Declaration. A copy of the Reissue Declaration sent to Lin is attached hereto as Exhibit A, and is incorporated by reference herein. A copy of the note sent to Lin is attached hereto as Exhibit B, and is incorporated by reference herein. A copy of the Certified Mail Receipt for this mailing is attached hereto as Exhibit C, and is incorporated by reference herein.
- 5. I am informed and believe that Lin is married to Yuchin Lin, whose last known address to me is:

Yuchin Lin 4532 Old Carriage Trail Oviedo, Florida 32765

- 6. On or about 23 August 2005, I sent Yuchin Lin, via the United States Postal Service, Certified Mail Return Receipt Requested, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Yuchin Lin with a copy of the note provided in Exhibit B. I sent these materials to the address set forth in Paragraph 5 of this Declaration. A copy of the Certified Mail Receipt for this mailing is attached hereto as Exhibit D.
- 7. I received a signed delivery receipt indicating that the mailing set forth in Paragraph 4 of this Declaration was received at the Coleman Low Security Federal Correctional Institution on 25 August 2005. The mailing set forth in Paragraph 4 of this Declaration was returned to me by a prison official with a

#### **Application 10/621,105**

- label indicating that the correct correspondence address for Lin was a different Post Office Box than that listed in Paragraph 3 of this Declaration. Copies of the signed delivery receipt and the returned envelope are attached hereto as Exhibit E, and are incorporated by reference herein.
- 8. The mailing set forth in Paragraph 6 of this Declaration was returned to me as "Unclaimed". A copy of the returned envelope is attached hereto as Exhibit F, and is incorporated by reference herein.
- 9. On or about 8 November 2005, I sent Lin, via the United States Postal Service Express Mail Service Label EQ324119935US, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. I sent these materials to the address set forth in Paragraph 3 of this Declaration. A copy of the note sent to Lin is attached hereto as Exhibit G, and is incorporated by reference herein. A copy of the Express Mail receipt for Label EQ324119935US is attached hereto as Exhibit H, and is incorporated by reference herein. A copy of an email confirming that Express Mail Label EQ324119935US was delivered on 10 November 2005 at 10:42 am is attached hereto as Exhibit I, and is incorporated by reference herein.
- 10. On or about 9 November 2005, I sent Lin, via the United States Postal Service Express Mail Service Label EQ324119952US, a copy of the '105 Application and a Reissue Declaration for this application. I sent these materials to Lin with a note asking him to execute the Reissue Declaration and return it to SurgiLight. The note also asked Lin to note any corrections to his address on the Reissue Declaration using initialed and dated handwritten notes. I sent these materials to the following address, which was indicated on the returned envelope referred to in Paragraph 7 of this Declaration and a copy of which is provided in Exhibit E of this Declaration:

#### **Application 10/621,105**

Jui-Teng Lin, Ph.D.
Coleman Low FCI
846 NE 54th Terrace
Post Office Box 1031
Coleman, Florida 33521

I included Lin's inmate identification number (67773-053) on the mailing. A copy of the note sent to Lin is attached hereto as Exhibit J, and is incorporated by reference herein. A copy of the Express Mail receipt for Label EQ324119952US is attached hereto as Exhibit K, and is incorporated by reference herein. A copy of an email confirming that Express Mail Label EQ324119952US was delivered on 14 November 2005 at 9:39 am is attached hereto as Exhibit L, and is incorporated by reference herein.

- 11. As of the date of this Declaration, I have not received any papers signed by Lin from either Lin or his wife in response to any of the mailings set forth herein. In particular, I have not received a Reissue Declaration signed by Lin for the '105 Application.
- 12.All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. I am signing this Declaration with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '486 Application or any patent issuing therefrom.

Dated: ///22/05

Timothy Shea

2080429 112105

## **EXHIBIT A**

SRGLT.005RA PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Surgilight, Inc.

Group Art Unit 3739

Reissue ·

Application: 10/621,105

Filed

: 10 July 2003

Reissue of

U.S. Patent : 6,258,082

Inventors

: J.T. Lin

For

: REFRACTIVE SURGERY AND PRESBYOPIA

CORRECTION USING INFRARED AND

**ULTRAVIOLET LASERS** 

Examiner

: Unknown

#### REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

#### Dear Sir:

I hereby declare the following:

- 1. I am the original and sole inventor of the subject matter which is described and claimed in U.S. Patent 6,258,082, a copy of which is attached to this declaration. I have reviewed and understand the contents of this patent, including the claims.
- 2. I have reviewed and understand the contents of the Preliminary Amendment filed on 10 July 2003, a copy of which is attached to this declaration. I am the original and sole inventor of the subject matter recited in the amended claims presented in the Preliminary Amendment, including new Claims 16 through 18.
- 3. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Application 10/621,105 Filed 10 July 2003

4. I verily believe the original patent to be wholly or partially inoperative or invalid,

because the patentee mistakenly claimed less than the patentee had the right to claim

in the patent. At least Claim 3, as set forth in the Preliminary Amendment, is broader

than the claims of the original patent in at least some aspects.

5. All errors which are being corrected in this reissue application arose without any

deceptive intention on my part.

6. I hereby declare that all statements made herein of my own knowledge are true and

that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §

1001, and that such willful, false statements may jeopardize the validity of the

application or any patent issued thereon.

Full name of sole inventor: Jui-Teng Lin

Citizenship: United States of America	
Signature:	
Date:	
Mailing address: Coleman Low FCI, 846 NE 54th Terrace, PO Box 1029, Coleman	ı, FL 33521
Corporate officer of the Assignee, SurgiLight, Inc.: Colette Cozean	
Signature:	
Title:	
Date:	

1715532\_1 051805

# **EXHIBIT B**



12001 Science Dr., Ste. 140 Orlando, FL 32826 USA

Tel: 407-482-4555 Fax: 407-482-0505 www.surgitight.com

August 11, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

dui-Teng Lin Coleman Low-FCI 846 NE 54<sup>th</sup> Terrace Coleman, FL 33521

Dear Mr. Lin:

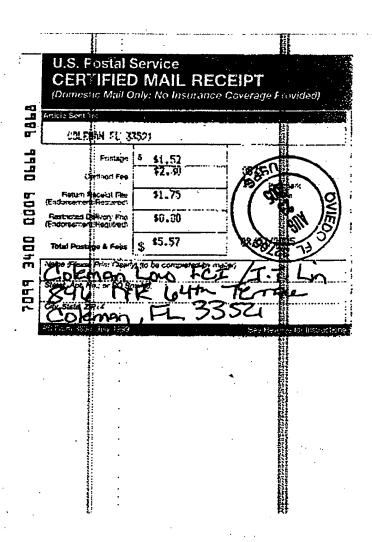
Please sign the enclosed Declaration (for US Patent 6,258,082) where hi-lited and return to:

SurgiLight, Inc. 12001 Science Drive, Ste. 140 Orlando, FL 32826

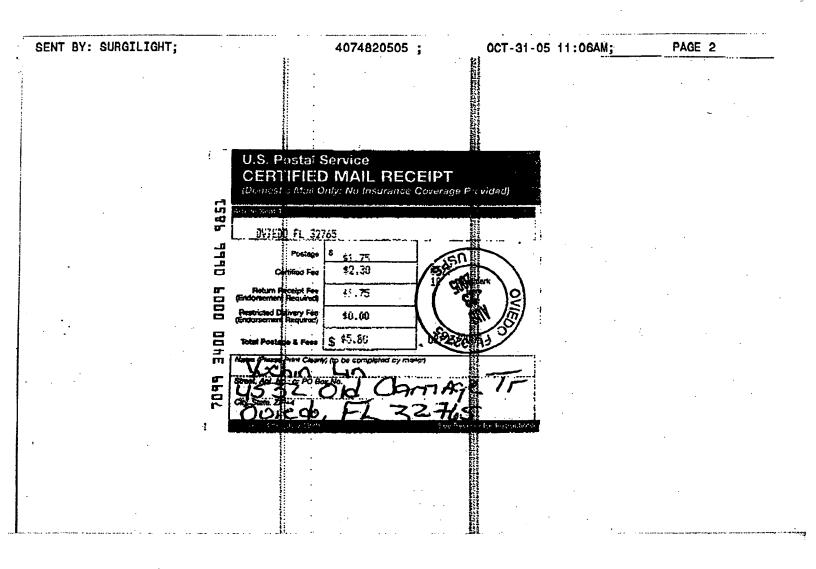
Sincerely,

Colette Cozean, Ph.D. CEO

# **EXHIBIT C**



# **EXHIBIT D**



# **EXHIBIT E**

WRONG ADDRESS - INMATE MAIL FOR Jui -Teng Lin CORRESPONDENCE CONTAINS THE THE LOW PACTLITY SHOULD BE ADDRESSED TO P.O. BOX 1031 Joleman ( 9668 9990 0009 3400 0991-W-20-989201 PS Frim 3611, February 2004 D Reluty Receipt for Merchundle D 0.00. benefatgeef 🗋 B. Service Type ligM assemped 🗖 Opera or Delivery D. to delivery address different from them 17 H. V.E.S., enter delivery address below: Complete items 1, 2, and 3. Also complete

Items 4 if Resultated Delivery is desired.

First your name and address on the revers

se that we can ratum the card to you.

Attach this card to the back of the maliples

of on the front if space permits. 9998991DDA 🗆 sneepA 🔲 enumencie A AMBAUGIANO NOLLORS SIŁL BLITHEFTOD SENDER: COMBITELE THIS SECTION

RETURN RECEIPT REQUESTED

8\8 30A9

:MA80: FF 20 - FE-TO0

#014820505

סבותו בנ: סחעמדרדמעו!

# **EXHIBIT F**



OLD CORFIAGE

Madtal Alle Alle Mah Mille Malle Mah Mah Mah Mah Mille M

3, Suite 140 826 9/4 39A9

OCT-31-05 11:06AM;

4074820505

геит вк: гонатгант?

## **EXHIBIT G**



12001 Science Dr., Ste. 140 Tel: 407-482-4555 Orlando, FL 32826 USA Fax: 407-482-0505

www.surgilight.com

October 31, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

J@-Teng Lin Coleman Low-FCI 846 NE 54<sup>th</sup> Terrace, PO Box 1029 Coleman, FL 33521

Dear Mr. Lin:

Please sign the enclosed Declaration (for US Patent 6,258,082 Application 10/621,105) where hi-lited and return to:

SurgiLight, Inc. 23 Alafaya Woods Blvd., Box 170 Oviedo, FL 32765

Sincerely,

Colette Cozean, PR.D. CEO

## **EXHIBIT H**



Customer Copy

NUTRINGENERAL PROPERTY OF THE PROPERTY OF THE

# **EXHIBIT I**

#### **Kyle Schlueter**

From:

U.S.\_Postal\_Service\_[U.S.\_Postal\_Service@usps.com]

Sent:

Thursday, November 10, 2005 08 01

To:

surgilightsales@aol.com

Subject:

USPS Shipment Info for EQ32 4119 935U S

This is a post-only message. Please do not respond.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: E032 4119 935U S

Service Type: Express Mail - Post Office to Addressee

**Shipment Activity** 

Location

Date & Time

Delivered COLEMAN FL 33521 11/10/05 10:42am
Notice Left COLEMAN FL 33521 11/10/05 7:07am
Arrival at Unit COLEMAN FL 33521 11/10/05 7:06am
Enroute TAMPA FL 33663 11/09/05 8:09am
Acceptance OVIEDO FL 32765 11/08/05 3:26pm

Reminder: Track & Confirm by email Date of email request: 11/10/05

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# **EXHIBIT J**



12001 Science Dr., Ste. 140 Tel: 407-482-4555 Orlando, FL 32826 USA

Fax: 407-482-0505

www.surgilight.com

November 9, 2005

Yuchin Lin 4532 Old Carriage Trail Oviedo, FL 32765

July Teng Lin, Reg #67773-053 For Coleman Low Federal Correctional Institute PØ Box 1031 Coleman, FL 33521

Dear Mr. Lin:

Please sign the enclosed Declaration (for US Patent 6,258,082 Application 10/621,105) where hi-lited. Review your address on the Declaration and note any corrections by hand, and initial and date these corrections. Return the signed Declaration to:

SurgiLight, Inc. 23 Alafaya Woods Blvd., Box 170 Oviedo, FL 32765

Sincerely,

Colitti Cozar p. 8 Colette Cozean, Ph.D. CEO

# **EXHIBIT K**



Puckage #2

# **EXHIBIT L**

#### **Kyle Schlueter**

From:

U.S.\_Postal\_Service\_[U.S.\_Postal\_Service@usps.com]

Sent:

Monday, November 14, 2005 06 59

To:

surgilightsales@aol.com

Subject:

USPS Shipment Info for EQ32 4119 952U S

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Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: EQ32 4119 952U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity Location

ocation Date & Time

-----Delivered COLEMAN FL 33521 11/14/05 9:39am 11/14/05 7:59am Arrival at Unit COLEMAN FL 33521 11/11/05 9:15am **TAMPA FL 33663** Enroute 11/10/05 12:32pm Enroute **TAMPA FL 33663** OVIEDO FL 32765 11/09/05 4:41pm Acceptance

Reminder: Track & Confirm by email Date of email request: 11/10/05

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